




City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ethan Edwards, AICP, Associate Planner 
DATE: November 9, 2010
SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 10-012 / CONDITIONAL USE PERMIT NO. 10-024 (LUGGATTI'S RESTAURANT WITH ALCOHOL AND ENTERTAINMENT)**
APPLICANT/BUSINESS
OWNER: Susan Hamil, 19285 Brooktrail Lane, Huntington Beach, CA 92648
PROPERTY
OWNER: John Gallagher, 388 East Ocean Boulevard, Long Beach, CA 90802
LOCATION: 210 5th Street, 92648 (east side of 5th Street, between Olive Avenue and Walnut Avenue – Downtown)

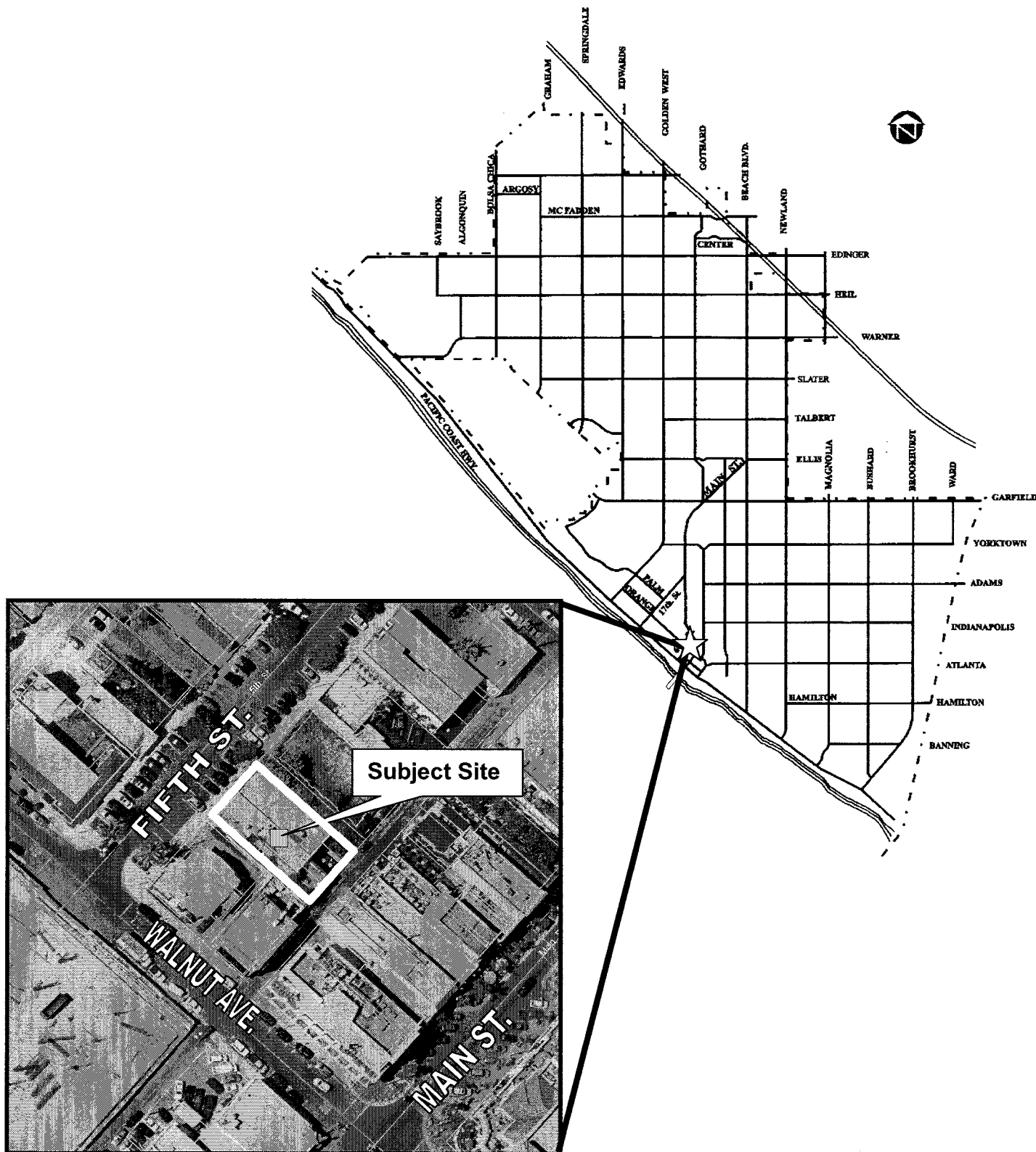
STATEMENT OF ISSUE:

- ♦ Coastal Development Permit No. 10-012/Conditional Use Permit No. 10-024 request:
 - To permit the establishment, maintenance, and operation of an approximately 3,500 sq. ft. indoor restaurant and 400 sq. ft. outdoor dining area with alcohol sales; and live entertainment consisting of amplified and non-amplified music.
- ♦ Staff's Recommendation:
 - Approve Coastal Development Permit No. 10-012/Conditional Use Permit No. 10-024 based upon the following:
 - The proposed use is in compliance with the General Plan designation of Mixed Use-Specific Plan-Pedestrian Overlay.
 - The project will establish a visitor-serving commercial use within an existing building that is consistent with the Local Coastal Program.
 - The project is consistent with the Downtown Specific Plan and will add to the pedestrian character of the downtown based on the proposed design including outdoor dining.
 - The project complies with all applicable regulations including the Downtown Parking Master Plan.

RECOMMENDATION:

Motion to:

“Approve Coastal Development Permit No. 10-012/Conditional Use Permit No. 10-024 with suggested findings and conditions of approval (Attachment No. 1).”



VICINITY MAP
COASTAL DEVELOPMENT PERMIT NO. 10-012 / CONDITIONAL USE
PERMIT NO. 10-024
(LUGGATTI'S RESTAURANT – 210 5TH STREET)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Continue Coastal Development Permit No. 10-012/Conditional Use Permit No. 10-024 and direct staff accordingly."
- B. "Deny Coastal Development Permit No. 10-012/Conditional Use Permit No. 10-024 with findings for denial."

PROJECT PROPOSAL:

Coastal Development Permit No. 10-012/Conditional Use Permit No. 10-024 represents a request to allow the establishment, maintenance, and operation of an approximately 3,500 sq. ft. indoor restaurant and 400 sq. ft. outdoor dining area with alcohol sales; and live entertainment consisting of amplified and non-amplified music. The sale and consumption of alcohol is proposed to occur within the interior of the restaurant as well as the outdoor dining area. Live entertainment includes amplified and non-amplified music such as piano/guitar players or instrumental jazz. The location of entertainment performers will be contained within a 100 sq. ft. area inside the restaurant as shown on the floor plan.

The restaurant will employ approximately 45 people, with shifts averaging approximately 15 to 20 employees. The hours of operation for the restaurant including outdoor dining and alcohol service are proposed between 7:00 AM and 12:00 AM (midnight) every day. The alcohol request is for a full service bar with spirits. The outdoor dining patio area is located on the ground level at the east end of the property facing the alleyway and will include a gas fireplace, flat screen televisions, and upgraded lighting and landscaping.

The project is located within an existing building, previously utilized as a restaurant (former Luggatti's) on the 1st floor and one residential unit on the 2nd floor (permitted via Use Permit No. 84-39). The "new" Luggatti's restaurant will occupy the same 1st floor area including the proposed outdoor dining area. The existing residential unit on the 2nd floor will remain unchanged.

History:

The restaurant and residential use was permitted via Use Permit No. 84-39. The former Luggatti's restaurant use ceased to operate in 2009 and a restaurant use has not operated at this location for more than a year. Pursuant to HBZSO Section 241.16(C), a conditional use permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months. Therefore, Use Permit No. 84-39 is deemed null and void and consequently the purpose of the subject request is to reestablish the use.

Study Session:

The item was presented at the October 26, 2010 Planning Commission study session meeting. Staff gave a brief overview of the project including entitlement history and primary issues to consider for review. The Planning Commission inquired about the code enforcement history for the site. Staff researched the history and did not find any code enforcement complaints or violations.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 5 /Coastal Zone	Restaurant (former and proposed use) / Residential
North of Subject Property: (across public courtyard)	MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 5 /Coastal Zone	Mixed-use
East of Subject Property (across alley):	MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 5 /Coastal Zone	Commercial
South of Subject Property:	MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 5 /Coastal Zone	Office (Police Substation)/Restaurant
West of Subject Property: (across 5 th St.)	MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 5 /Coastal Zone	Commercial/Residential

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is MV-F6-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay). The proposed project is consistent with this designation and the goals, objectives, and policies of the City's General Plan as follows:

A. Land Use Element

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed use will provide the reestablishment of a visitor-serving commercial use within the Downtown that is consistent with the Land Use and Density Schedules and is compatible with the surrounding mix of uses. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facilities as well as residential uses thus reducing the need for automobile use. The proposed outdoor dining will stimulate pedestrian activity along the public courtyard along the building's north elevation between the alleyway and 5th Street.

B. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed restaurant use will promote the utilization of an existing building and will reinforce the vicinity as a major visitor-serving commercial district within the Coastal Zone.

Zoning Compliance:

This project is located in the Downtown Specific Plan – District 5 – Coastal Zone and complies with the requirements of that zone. The proposed restaurant with alcohol, live entertainment, and outdoor dining, as conditioned, complies with the Downtown Specific Plan, which establishes the proposed use.

Urban Design Guidelines Conformance: Not Applicable.

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves the operation and permitting of the existing development involving negligible expansion of an existing use.

Coastal Status:

The proposed project is located within an appealable area of the Coastal Zone. Coastal Development Permit No. 10-012 is being processed concurrently with Conditional Use Permit No. 10-024 pursuant to Chapter 245 of the HBZSO, which serves as the implementation program for the Local Coastal Program. The proposed project complies with applicable Downtown Specific Plan and HBZSO provisions and therefore is consistent with the Local Coastal Program.

Redevelopment Status:

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the request and supports the proposal.

Design Review Board: Not Applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning & Building, Economic Development, Community Services, Fire, and Public Works have reviewed the application and identified comments and applicable code requirements (Attachment No. 7) with no major concerns and comments. The Police Department has reviewed an application for an Entertainment Permit pursuant to Municipal Code Chapter 5.44 (Attachment No. 5) and issued a Conceptual Entertainment Permit (Attachment No. 4). The proposed entertainment permit conditions are consistent with City Council Resolution No. 2010-05 which approved standard conditions of approval for restaurants with alcohol and entertainment in the Downtown. The applicant has reviewed the proposed entertainment conditions and verbally expressed their understanding and willingness to comply with these conditions if approved.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on October 28, 2010, and notices were sent to property owners of record (*and tenants*) within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning and Building Department's Notification Matrix), tenants, applicant, and interested parties. As of November 1, 2010, staff has received no comments in support or opposition to the request.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

October 14, 2010

MANDATORY PROCESSING DATE(S):

December 13, 2010

CDP No. 10-012/CUP No. 10-024 was filed on August 18, 2010 and deemed complete October 14, 2010.

ANALYSIS:

Land Use Compatibility

Staff supports the proposed requests based on the stated purpose of District #5 Mixed-Use: Commercial/Office/Residential of the Downtown Specific Plan, which is to create a more urban atmosphere with viable commercial, office, and residential uses. This district is a prime mixed-use location within the Downtown and provides visitors and residents with numerous opportunities for visitor-serving as well as year round commercial uses. The reestablishment of a restaurant with alcohol, live entertainment and outdoor dining will promote the commercial viability along 5th Street.

Staff has determined that the proposed restaurant with alcohol, live entertainment and outdoor dining will be compatible with surrounding uses because it is proposed in a Specific Plan area designated for mixed-

use pedestrian-oriented development. The existing building is surrounded by commercial, office, and residential uses and therefore is compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to hours of operation to assure that any potential impacts to the surrounding properties are minimized. The proposed outdoor dining area will be located within private property facing an alleyway and is primarily intended to enhance the dining experience for patrons and will not negatively impact adjacent properties. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties. With the suggested conditions of approval, the proposed restaurant with alcohol, live entertainment and outdoor dining will not result in increased parking, safety, or noise issues, above that expected in a typical mixed-use environment. In general, the proposed project is consistent with scope and intent of the development in the downtown and supported by the General Plan and the Downtown Specific Plan including the Downtown Parking Master Plan.

Live Entertainment

Live entertainment proposed includes amplified and non-amplified music such as piano/guitar players or instrumental jazz. The location of entertainment performers will be contained within a 100 sq. ft. area inside the restaurant as shown on the floor plan (Attachment No. 2). The Police Department has reviewed an application for an Entertainment Permit pursuant to Municipal Code Chapter 5.44 and issued a Conceptual Entertainment Permit. The proposed entertainment permit conditions are consistent with City Council Resolution No. 2010-05 which approved standard conditions of approval for restaurants with alcohol and entertainment in the Downtown. The intent of the City Council approved standard conditions of approval is to ensure the location continues to operate as a bona fide restaurant, and not as a bar or nightclub. The applicant has reviewed the proposed entertainment conditions and verbally expressed their understanding and willingness to comply with these conditions if approved.

Outdoor Dining

The proposed outdoor dining within an existing patio area is located on the ground level at the east end of the property primarily facing the alleyway and adjacent to a public courtyard to the north. The outdoor dining patio will include a gas fireplace, flat screen televisions, and upgraded lighting and landscaping. This area will be on private property and not impact public right-of-ways. Potential impacts to residential uses in the vicinity are not anticipated because the outdoor dining area is located at the rear of the property and oriented toward an alleyway and adjacent to the public courtyard to the north. The adjacency to the public courtyard will further stimulate pedestrian activity and visitor-serving commercial uses along this corridor. In addition, the Police Department is suggesting several conditions of approval to ensure public safety and minimize alcohol related disturbances within the downtown business district and adjoining neighborhoods.

Downtown Parking Master Plan

The required parking was analyzed as part of the Downtown Parking Master Plan (DPMP) which anticipated the former restaurant and outdoor dining area. The DPMP anticipated a future parking demand for a total restaurant square footage (including patio area) buildout threshold of approximately 3,500 sq. ft. for this building. The proposed restaurant area is approximately 3,480 sq. ft. and the outdoor dining patio is 400 sq. ft. The outdoor dining area does not require additional parking spaces pursuant to Downtown Specific Plan Section 4.2.29.iv.3.b. This is because restaurants greater than 1,200 sq. ft. with outdoor dining areas that do not exceed 20% of the total restaurant area and do not exceed 400 sq. ft. can

be excluded from parking requirements. The request to reestablish the use within approximately the same footprint remains consistent with the DPMP and therefore is deemed to be adequately parked.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CDP No. 10-012, CUP No. 10-024
2. Site Plans, Floor Plan, and Elevations received and dated November 1, 2010
3. Project Narrative received August 18, 2010
4. Conceptual Entertainment Permit received October 7, 2010
5. Municipal Code Chapter 5.44 (Restaurants – Entertainment Permits)
6. City Council Resolution 2010-05 – Exhibit “B” Standard Conditions of Approval
7. Code Requirements Letter dated October 15, 2010 (for informational purposes only)

SH:HF:EE:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

COASTAL DEVELOPMENT PERMIT NO. 10-012

CONDITIONAL USE PERMIT NO. 10-024

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

SUGGESTED FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 10-012:

1. Coastal Development Permit No. 10-012 to permit the reestablishment of a visitor-serving commercial use within an existing building, conforms with the General Plan, including the Local Coastal Program land use designation of Downtown Specific Plan – District 5. The project is consistent with Coastal Element Land Use Policy C 3.2.3 to encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas. The proposed restaurant use will promote the utilization of an existing building and will reinforce the vicinity as a major visitor-serving commercial district within the Coastal Zone.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed project is the reestablishment of a visitor-serving commercial use within an existing building.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project is the reestablishment of a visitor-serving commercial use within an existing building in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources. The proposed project is the reestablishment of a visitor-serving commercial use within an existing building.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 10-024:

1. Conditional Use Permit No. 10-024 to permit the establishment, maintenance, and operation of an approximately 3,500 sq. ft. indoor restaurant and 400 sq. ft. outdoor dining area with alcohol sales;

and live entertainment consisting of amplified and non-amplified music within an existing building located within District 5 of the Downtown Specific Plan; will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. In addition, the project is consistent with the future development potential identified for the subject building in the Downtown Parking Master Plan; and, will comply with City Council Resolution No. 2010-05, standard conditions of approval for restaurants with alcohol and live entertainment in the Downtown.

2. The proposed restaurant with alcohol, live entertainment and outdoor dining will be compatible with surrounding uses because it is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The restaurant is surrounded by commercial, office, and residential uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service, live entertainment, and hours of operation to assure that any potential impacts to the surrounding properties are minimized. Live entertainment will be located within the restaurant and is primarily intended to enhance the dining experience for patrons and will not negatively impact adjacent properties. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties.
3. The proposed restaurant with alcohol, live entertainment and outdoor dining will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it will be located. The proposed project as conditioned complies with the base district and other applicable provisions including parking. There is no physical expansion that includes additional floor area to the existing building as part of this request and the use will comply with all building occupancy/exiting requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F6-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed use will provide the reestablishment of a visitor-serving commercial use within the Downtown that is consistent with the Land Use and Density Schedules and is compatible with surrounding mix of uses. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facilities as well as residential uses thus reducing the need for automobile use. The proposed outdoor dining will stimulate pedestrian activity along the public courtyard along the building's north elevation between the alleyway and 5th Street.

B. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed restaurant use will promote the utilization of an existing building and will reinforce the vicinity as a major visitor-serving commercial district within the Coastal Zone.

SUGGESTED CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 10-012/CONDITIONAL USE PERMIT NO. 10-024:

1. The site plan, floor plan, and elevation plan received and dated November 1, 2010, shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Hours of operation shall be limited to between 7:00 AM and 12:00 AM (midnight) everyday. **(Resolution No. 2010-05)**
 - b. A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas. **(Resolution No. 2010-05)**
 - c. The seating capacity at all times within the dining area, excluding outdoor dining areas, shall be able to accommodate a minimum of 100 people. **(Resolution No. 2010-05)**
 - d. Full food service menu items shall be served, a minimum, until thirty (30) minutes before posted or scheduled closing time, and cook and food server shall be on duty during these times. **(PD)**
 - e. Alcoholic drinks shall not be included in the price of admission to any establishment. **(Resolution No. 2010-05)**
 - f. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2010-05)**
 - g. All alcohol shall remain on the establishment's premises, including within outdoor dining areas. **(Resolution No. 2010-05)**
 - h. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(Resolution No. 2010-05)**
 - i. Games or contests requiring the consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2010-05)**
 - j. No outside promoters can be used under any circumstances. **(Resolution No. 2010-05)**
 - k. All exterior doors and windows shall be closed at all times during live entertainment. **(Resolution No. 2010-05)**
 - l. All amplified entertainment conducted by a performer shall be confined indoors at all times. **(Resolution No. 2010-05)**
 - m. No entertainment shall be audible beyond 50 feet of the business in any direction. **(Resolution No. 2010-05)**
 - n. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business. **(Resolution No. 2010-05)**
 - o. All provisions of the entertainment permit required by section 5.44 of the Huntington Beach Municipal Code shall continue to apply. **(Resolution No. 2010-05)**

- p. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - q. Prior to commencing live entertainment activities, a copy of an approved Entertainment Permit, as issued by the Business License Department, shall be submitted to the Planning and Building Department.
 - r. Only the uses described in the project narrative shall be permitted.
3. The outdoor dining shall comply with the following:
- a. Only establishments that are established as a “Bona fide public eating place”, as defined by Section 23038 of Alcoholic Beverage Control Act, shall be permitted to serve alcoholic beverages outdoor in accordance with Section 4.2.33 of the Downtown Specific Plan. **(PD)**
 - b. Establishments which serve alcoholic beverages outdoors shall provide a physical barrier 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
 - c. Barriers located on private property in accordance with Section 4.2.33 of the Downtown Specific Plan as required for serving alcohol outdoors shall be permanently installed. Barriers located on public property as required for serving alcohol outdoors shall be designed to be removable in the event that is deemed necessary. **(PD)**
 - d. Restaurant management shall be responsible for running and operating the outdoor dining area. **(PD)**
 - e. Outdoor dining areas shall be continuously supervised by management or employees of the establishment. Food establishments serving alcoholic beverages shall have a supervisor on site at all times. Behavior that disturbs customers or passerby’s shall not be tolerated and constitutes a violation of these provisions. **(PD)**
 - f. No servers shall be permitted to serve any food or beverage item from the outside the barriers as required by Section 4.2.33 of the Downtown Specific Plan. **(PD)**
 - g. Outdoor dining patios are for sit down and beverage service only; no stand up, walk-up or pick-up service shall be permitted. **(PD)**
 - h. No signs shall be placed on or secured to any barrier advertising the serving or availability of alcohol. **(PD)**
4. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing if any changes to cart and kiosk operations are proposed as a result of the ongoing operation and oversight of the use.
5. The development services departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets

submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

6. CDP No. 10-012/CUP No. 10-024 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
7. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

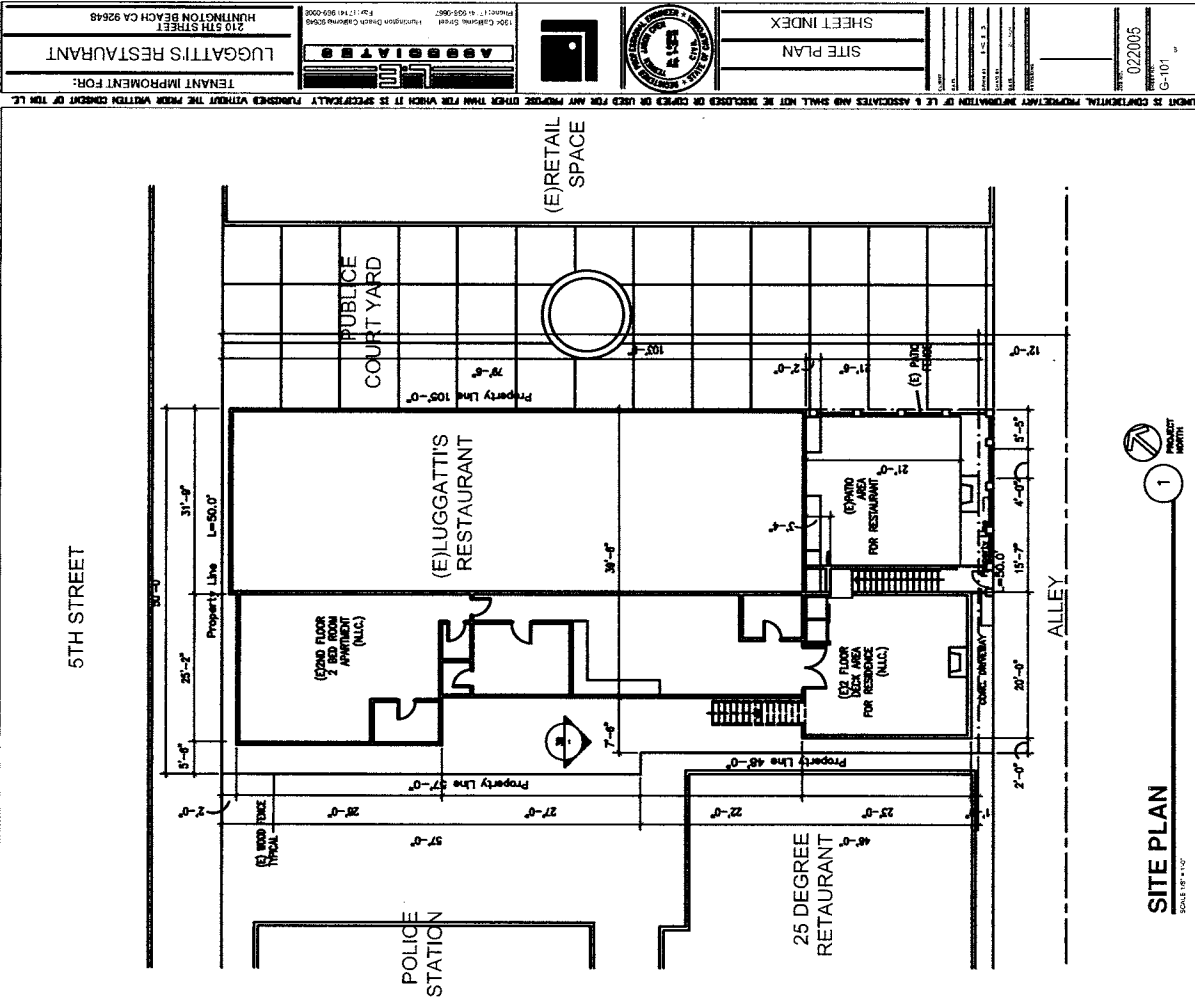
LUGGATTI'S RESTAURANT

210 5TH STREET

HUNTINGTON BEACH CA 92648

NOV 0 12 2010
Huntington Beach
PLANNING DEPT.

VICINITY MAP 	
SYMBOL LEGEND <ul style="list-style-type: none"> BUILDING SECTION SECTION INDICATOR SHEET NUMBER DETAIL REFERENCE DETAIL NUMBER SHEET NUMBER DIFFERENTIAL IN FLOOR ELEVATION, FINISH SURFACE, OR CHANGE IN WALL PLANE REVISION NUMBER FLOOR PLAN, UTILITY/SORTFIT & ELEVATION KEYNOTE PLAN NOTE REFERENCE NUMBER TEMPERED GLASS REFERENCE 	
SITE DATA CLIENT: JOHN GALEGER 210 5TH STREET HUNTINGTON BEACH CA 92648 SITE ADDRESS: 210 5TH STREET HUNTINGTON BEACH CA 92648	
PROJECT DATA PROPOSED USE: MIX USE CONSTRUCTION TYPE: V-NON RATED (N.R.) ZONE: RS- ADP-4 APN: 7044-037-013 NUMBER OF STORIES: 2 CODE COMPLIANCE: THE 2007 CALIFORNIA BUILDING CODE (CBC), CALIFORNIA ELECTRICAL CODE (CEC), CALIFORNIA FIRE CODE (CFC), CALIFORNIA PLUMBING CODE (CPC)	
RESTAURANT FIRST FLOOR PATIO 1ST FLOOR BASEMENT TOTAL	3,480 SF 400 SF 400 SF 4,280 SF TOTAL
RESIDENCE (N.L.C.) SECOND FLOOR (RESIDENCE) (N.L.C.) PATIO 2ND FLOOR (RESIDENCE) (N.L.C.) TOTAL	1,286 SF 400 SF 400 SF 1,721 SF TOTAL



SITE PLAN
SCALE: 1/8" = 1'-0"

1
SHEET

022005
G-101

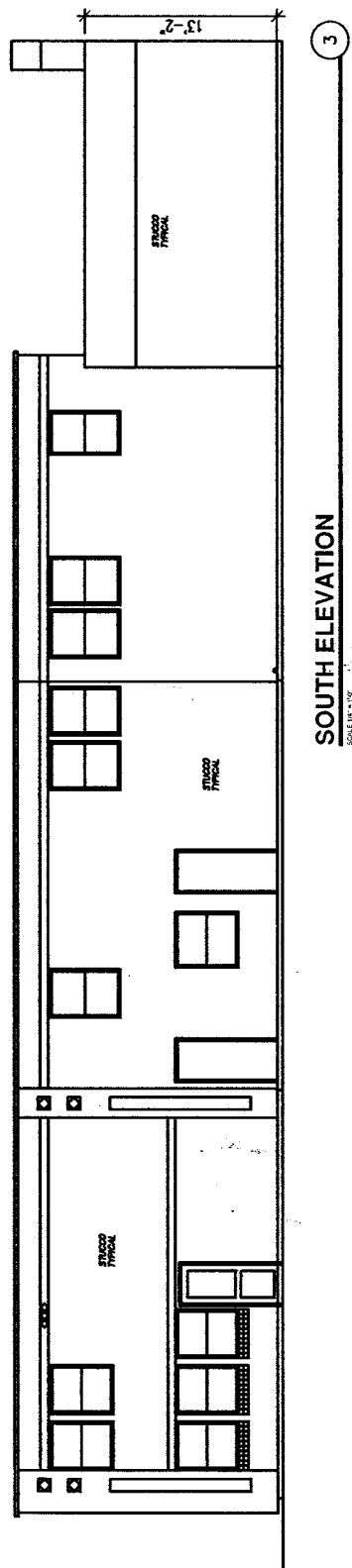
SHEET INDEX
SITE PLAN



ASSOCIATES
1500 California Street
Huntington Beach, California 92648
P: (714) 834-0000
F: (714) 834-0000

LUGGATTI'S RESTAURANT
210 5TH STREET
HUNTINGTON BEACH CA 92648

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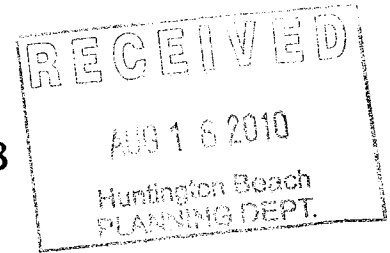


SOUTH ELEVATION



EAST ELEVATION (AT ALLEY)

**CONDITIONAL USE PERMIT NARRATIVE FOR
210 5TH STREET, HUNTINGTON BEACH, CA 92648**



HKL Ventures, LLC is respectfully submitting an application for a Conditional Use Permit in order to reopen the Luggatti's Restaurant located at 210 5th Street, in downtown Huntington Beach. We would like to carry forth the legacy of the "Old Luggatti's" and with a few enhancements and refinements begin the legacy of the "New Luggatti's." We want our restaurant to be the place to bring your family, friends, and coworkers to celebrate milestones and to be the place to come for a great meal and be a part of our family. We would like to attract a mature 30+ crowd that enjoys food, wine, and nice surroundings.

The restaurant will employ approximately 45 people. Our proposed operating hours are from 7 am to midnight. We plan to enhance and refine the current approximate 4,600 square foot space. We will offer a great food menu with nightly specials, a full service pizza kitchen to cater to dine-in, dine-out and delivery customers, catering, a diverse wine list, and a few specialty cocktails. Once we get started, we will expand our daily dinner menu to serve breakfast and lunch and bring back the very popular wine dinners. We would also like to reestablish the relationships the previous owners had with the local businesses, hotels, and organizations.

In addition to the menu changes, we have redesigned the back patio to make it more inviting to our guests. Our patio will have a wall to separate the restaurant space from the alleyway and dumpsters; making it a place to sit and eat and enjoy the spectacular Southern California weather year-round without the distractions and commotion of the alleyway. These plans include a gas fireplace, flat screen televisions, ambient lighting, and updated landscaping.

Another addition that we feel would improve the Luggatti's experience would be live music such as a piano/keyboard or guitar player or jazz for our guests to enjoy during dinner and into the after dinner portion of their evenings.

We believe that our restaurant will fit in with the surrounding buildings north, south, east, and west; the majority of which are businesses and restaurants and a few residential living spaces.

Thank you in advance for your time and consideration.

Sincerely,

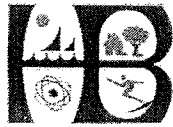
HKL VENTURES, LLC

W. Christian Hamil, President

Bill Knapp, Vice President

Susan Hamil, Treasurer

Tom Le, Secretary



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

P. O. BOX 70

POLICE DEPARTMENT

CALIFORNIA 92648

Tel: (714) 960-8811

RECEIVED

OCT 07 2010

KENNETH W. SMALL
Chief of Police

Dept. of Public Works
& Building

PROPOSED ENTERTAINMENT CONDITIONS

CONCEPTUALLY APPROVED PURSUANT TO FILING A CONDITIONAL USE PERMIT

This document DOES NOT allow entertainment at the listed establishment. Listed are the proposed conditions for your entertainment permit pursuant to the approval of a conditional use permit allowing entertainment at your establishment.

Issued to: **Luggatti's Italian Grill**
210 5th Street
Huntington Beach, CA 92648

Effective Dates: UPON APPROVAL OF CONDITIONAL USE PERMIT

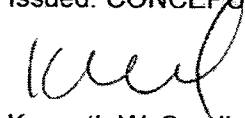
CONDITIONS (15 total):

1. Hours of Entertainment: Monday-Friday: 4:00 PM to 11:00 PM
Saturday-Sunday: 10:00 AM to 11:00 PM
2. All entertainment must cease no less than 30 minutes prior to the posted or scheduled closing time, and no later than the time authorized by this permit.
3. Types of Entertainment: Amplified and non-amplified music, entertainment is limited to a disc jockey, recorded music and live bands (three performer maximum).
4. Dancing is not permitted by anyone.
5. Food service from the regular menu must be available to patrons up to thirty (30) minutes before the scheduled closing time.
6. No games or contest requiring or involving the consumption of alcoholic beverages shall be permitted.
7. No cover charge or admission fee will be allowed.
8. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
9. There shall be no "Happy Hour" type promotions offering reduced priced alcoholic beverages.
10. All exterior doors and windows shall be closed during times of entertainment.
11. All live entertainment must remain inside the establishment at all times.
12. All security guards must be clearly identifiable as security guards and possess a valid California Guard Card.
13. The licensee or any representatives of the licensee may not pay a promoter for services based upon occupancy or attendance to an event.
14. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License, or any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. Violations of any law or conditions of the Conditional Use Permit will be considered a violation of this permit under § 5.44.015(c) of the Huntington Beach Municipal Code.

15. In addition to the above listed conditions, all applicable conditions contained in City Council Resolution 2010-05 (Standard Conditions for Eating and Drinking Establishments-Downtown District1) shall be required. If there is a conflict between this entertainment permit and the City Council resolution, the more stringent requirement shall apply.

You have the right to appeal the conditions on this permit to the City Council in the manner provided by Section 248.02A of the Huntington Beach Zoning and Subdivision Ordinance, except that the written appeal must be filed with the City Clerk within five (5) days of service of this written notice.

Issued: CONCEPTUAL PERMIT



Kenneth W. Small
Chief of Police

Chapter 5.44

RESTAURANTS--AMUSEMENT AND ENTERTAINMENT PERMITS

(1265-12/66, 1444-10/68, 1454-12/68, 3213-11/93, Urgency Ordinance 3247-8/94, Urgency Ordinance 3341-10/96, 3449-2/00, 3618-11/03, 3862-2/10)

Sections:

- 5.44.010 Entertainment permit required
- 5.44.015 Entertainment restrictions
- 5.44.018 Beverage License -- Minors on Premises
- 5.44.020 Definitions
- 5.44.025 Repealed (Ordinance No. 3213-11/93)
- 5.44.030 Entertainment permit--Application
- 5.44.040 Permit--Application fee
- 5.44.050 Permit--Granting
- 5.44.060 Permit--Period valid
- 5.44.065 Permit--Notice to Applicant of Action Taken
- 5.44.070 Repealed (Ordinance No. 3862-2/10)
- 5.44.080 Exclusions
- 5.44.090 Revocation and/or Suspension of Permit
- 5.44.095 Revocation of Permit--Notice to Applicant of Action Taken
- 5.44.097 Repealed (Ordinance No. 3862-2/10)
- 5.44.100 Revocation of permit - Reapplication
- 5.44.110 Separate Violations
- 5.44.120 Additional Permit Violations

5.44.010 Entertainment permit required.

- (a) No person shall provide or permit any type of entertainment in a coffee shop, restaurant, nightclub, or place where food or other refreshments are served and which is open to the public unless such person shall first obtain a permit to do so from the Chief of Police as hereinafter provided (1265-12/66, 1454-12/68, 2541-3/82, 3213-11/93)
- (b) Every establishment in the City of Huntington Beach is subject to the requirements of this chapter, if entertainment or dancing is conducted or proposed to be conducted in such establishment. (1265-12/66, 1454-12/68, 2541-3/82, 3213-11/93)
- (c) No entertainment or dancing will be allowed in any establishment, unless a permit therefor is granted, in compliance with the provisions of this chapter, and unless said establishment is in complete compliance with every other applicable law which may otherwise apply to the operation of the establishment. (1265-12/66, 1454-12/68, 2541-3/82, 3213-11/93)
- (d) The Issuance of a Sex Oriented Business Permit pursuant to Chapter 5.70 of this Code is applicable satisfies the entertainment requirement of this Chapter. A separate entertainment permit is not required. (1265-12/66, 1454-12/68, 2541-3/82, 3213-11/93, Urg. 3341-10/96)

5.44.015 Entertainment restrictions. The permittee shall:

- (a) ensure entertainment provided is not audible beyond 50 feet from the exterior walls of the business in any direction; and (3213-11/93, 3449-2/00)
- (b) restrict the entertainment provided to that entertainment which is specified in the entertainment permit and in the license issued by the State of California Alcoholic Beverage Control, Conditional Use Permit, California Civil Code, or any other restriction issued by any regulatory power with authority over the business or premise; and (3213-11/93, 3449-2/00, 3862-2/10)

- (c) follow all other conditions as set forth in the entertainment permit and in the license as issued by the State of California Alcohol Beverage Control; and (3213-11/93, 3449-2/00)
- (d) ensure that all areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all persons in the business; and (3213-11/93, 3449-2/00)
- (e) post the permit conspicuously in business premises. (3213-11/93, 3449-2/00)
- (f) Entertainment Permits shall be applicable at all hours, regardless if entertainment is present, with the exception of those conditions specifically listed on the permit which are only applicable during hours of entertainment. (3862-2/10)
- (g) For patron safety, dancing will only be permitted within an area preapproved in the Entertainment Permit and clearly delineated as a dance floor. (3862-2/10)

5.44.018 Beverage License -- Minors on premises. No person conducting, maintaining or carrying on a business, or having charge or control thereof, which has entertainment on its premises shall permit to be admitted on such business premises any minor under the age of twenty-one years, if any alcoholic beverages are consumed, dispensed or sold on the premises, unless the minor is accompanied and under the care at all times of his parent or parents or legal guardian. (3449-2/00)

5.44.020 Definitions. The following definitions shall be for purposes of this Chapter only, unless specifically adopted by another section of the Huntington Beach Municipal Code for use therein. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)

- (a) Ambient music. For the purposes of this Chapter, ambient music shall be defined as prerecorded music which is audible from a distance of no more than ten (10) feet from any portion of the exterior of the premises. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)
- (b) Establishment(s). Except as otherwise provided, and for purposes of this Chapter, an "establishment" means any location within the limits of the City of Huntington Beach to which the public may be invited where alcoholic beverages are served. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)
- (c) Entertainment. As used in this Chapter, "entertainment" means a single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited to watch, listen, or participate, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing guests or patrons, including, but not limited to: (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)
 - (1) (a) Any amusement or event such as live music or other performance which is knowingly permitted by any establishment subject to this chapter, including presentations by single or multiple performers, such as hypnotists, pantomimes, comedians, song or dance acts, plays, concerts, any type of contest; sporting events, exhibitions, carnival or circus acts, demonstrations of talent or items for gift or sale; shows, reviews, and any other such activity which may be attended by members of the public. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)
 - (b) Live or recorded music where public dancing is permitted. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)
 - (2) Any event controlled, conducted, sponsored, encouraged, or knowingly permitted, by an establishment subject to this chapter, which involves any of the activities described in the foregoing paragraphs which is presented by members of the public, whether or not the participants in said activities are compensated by the establishment. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)

- (3) Establishments which provide juke boxes, televisions, video games, video programs, or recorded music and no other entertainment, as herein defined, are not required to comply with the provisions of this chapter, unless the recorded music is played on equipment which is operated by an agent or contractor of the establishment for a period exceeding ten (10) minutes per hour. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)

The intent of this section is to require a permit of establishments which provide that which is commonly known as a "DJ" and to exempt establishments which provide incidental or ambient music. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)

- (d) Dancing. "Dance and Dancing" is defined as movement of the human body, accompanied by music or rhythm, except however, "dance and dancing", as used in this chapter, means dancing by patrons only; any other form of dance is deemed "entertainment", as defined herein. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)
- (e) Patron(s). "Patron(s)" is defined as a member or members of the public who enter any establishment subject to this chapter, except as hereinafter provided. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)

"Patron(s)" do not include:

- (1) any agent, owner, employee or contractor of an establishment subject to this chapter. Any person who indirectly or directly receives anything of value in exchange for his or her services rendered on behalf of such establishment shall be considered an "employee" hereunder; (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)
- (2) any agent or representative of any governmental entity of any description whatsoever, including ad hoc boards, task forces, and commissions, provided that such agent or representative enters an establishment, acting in his or her official capacity on behalf of said governmental entity; (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)
- (3) persons who conduct entertainment at the subject establishment. (1265-12/66, 2541-3/82, 3213-11/93, 3618-11/03)

5.44.030 Entertainment permit--Application.

- (a) If a Conditional Use Permit, or any other entitlement, except a certificate of occupancy, is required for the use of any establishment which proposes to provide, or which does provide, entertainment or dancing, the provisions of this chapter shall be satisfied before application is made to the City for any such use permit or entitlement. The body before whom such entitlement application is heard shall not impose any condition inconsistent with the conditions imposed on a permit issued pursuant to this chapter. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (b) Applicants for entertainment permits shall file a written, signed and acknowledged application with the Business License Department showing: (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (1) The true, full name and any other names, including aliases, used by the applicant, and the permanent address of applicant; (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
 - (2) The days of the week, specific hours and address where the entertainment is proposed; (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)

- (3) The true, full name or names and any other names, including aliases of the person or persons having the management or supervision of applicant's business;
(1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (4) A statement of the nature and character of applicant's business, if any, to be carried on in conjunction with such entertainment;
(1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (5) Whether or not the person or persons having the management or supervision of applicant's business have been convicted of a crime, the nature of such offense, and the sentence received therefor; (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (6) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business as the Chief of Police may deem necessary. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (7) A floor plan and site plan showing the building interior and grounds, including parking spaces, and the dimension of each portion. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (8) A copy of any other licenses, permits, or entitlements issued to the applicant for this establishment or use by the State of California Alcoholic Beverage Control and any conditions pertaining to that license. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (9) A copy of all Conditional Use Permits for the premises. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (10) A copy of any other permits, or entitlements issued to the applicant for this establishment or use. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (11) A copy of any building or property lease or contract for the address for which the entertainment will take place. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (12) The name and address of the owner and lessor of the real property upon which the business is to be conducted. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (13) Acceptable written proof that the applicant is at least eighteen (18) years of age.
(1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (14) The social security number and state driver license or identification card number for the applicant. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (15) The address to which the Entertainment Permit is to be mailed.
(1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (16) A statement under oath that the applicant has read and understands the provisions of this chapter. (1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (17) A statement under oath that the applicant has personal knowledge of the information contained in the application and that the information contained is true and correct.
(1265-12/66, 1454-12/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)

5.44.040 Permit--Application fee. A fee shall be paid upon the filing of each application for a permit for the purpose of defraying the expenses incidental to the processing of the application. The fee shall be set by resolution of the City Council. (1265-12/66, 3213-11/93, 3862-1/10)

5.44.050 Permit--Granting. After the making and filing of the application, the Business License Department shall refer the matter to the Chief of Police for investigation and report thereon. The Chief of Police shall approve and issue an entertainment permit if the application and evidence submitted show that: (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)

- (1) The granting of previous entertainment and other related permits to the applicant has not, in the past, resulted in the operation of a business or businesses which have created loud and/or unreasonable noise levels for that location, as regulated by Huntington Beach Municipal Code Section 8.40, or excessive disturbances to the surrounding environment such that calls for services to the Police Department have exceeded fifteen (15) in the preceding twelve (12) months, and (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (2) The applicant or business has not been previously convicted of disturbing the peace and/or the creation of and failure to abate a nuisance as defined in the California Civil Code, or Huntington Beach Municipal Code Section 17.10, and (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (3) The entertainment to be provided would not attract crowds considered large for that location, would not overwhelm the available police and safety services, and would not be incompatible with the surrounding environment, and (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (4) The premises within which the entertainment is to be presented shall provide sufficient sound-absorbing insulation such that noise generated within the premises shall not be in violation of Huntington Beach Municipal Code Section 8.40 in relation to adjacent property or public right-of-way or within any other building or other separate unit within the same building, and (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (5)
 - (a) Considering where the entertainment is to be presented and its proximity to other businesses, residences, and the surrounding environs, there exist possible effective means of mitigating the noise emanating from the business to a level of insignificance and in compliance with Huntington Beach Municipal Code Section 8.40, and (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00, 3862-2/10)
 - (b) For new permits or locations where significant modifications have been made requiring modification to a conditional use permit or certificate of occupancy, the applicant shall submit a sound survey prepared by a licensed engineer showing that the proposed entertainment will not create undue noise or violate the decibel limits for the zoning district as listed in Section 8.40 HBMC. This survey shall state the maximum allowable interior decibel limits to stay within the limits of 8.40 HBMC. (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00, 3862-2/10)
- (6) The place of entertainment is to be located in a zone permitting the proposed use under Chapter 211 of the Huntington Beach Ordinance Code, and (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (7) All signage conforms to the requirements for that zone, and (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)

- (8) The granting of an entertainment permit would not violate other sections of the Huntington Beach Municipal Code or other applicable municipal, state, or federal laws, and (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)
- (9) The required fee has been paid. (1265-12/66, 1444-10/68, 3213-11/93, Urg. 3247-8/94, 3449-2/00)

5.44.060 Permit-Period valid. The permit shall be granted for the specific occasion requested, or if the request is for continuous permit, the permit shall be issued for not longer than one year. (1265-12/66)

5.44.065 Permit-Notice to Applicant of Action Taken. Within twenty (20) working days after the making and filing of the application, unless the applicant signs a written waiver of notice, the Police Department shall mail or personally deliver written notice to the applicant stating the action that was taken on the application, together with a list of any conditions imposed if the application is granted or, if the application is denied, the specific grounds for the denial. The notice shall also advise the applicant of his/her right to appeal the denial of his application or any of the conditions imposed. (3213-11/93, 3449-2/00)

5.44.080 Exclusions. The provisions of section 5.44.010 shall not be deemed to require a permit for the following: (1265-12/66)

- (a) For the use of a radio or music recording machine, or juke box in any establishment; (1265-12/66)
- (b) For any entertainment provided for members and their guests at a private club where admission is not open to the public; (1265-12/66)
- (c) For entertainment conducted in connection with a regularly established recreation park, circus or fairground; (1265-12/66)
- (d) For entertainment conducted by or sponsored by any bona fide club, society or association, organized or incorporated for benevolent, charitable dramatic or literary purposes having an established membership and which holds meetings other than such entertainment at regular intervals, when proceeds, if any, arising from such entertainment are used for the purposes of such club, society or association. (1265-12/66)

5.44.090 Revocation and/or Suspension of permit. The Chief of Police may, revoke or suspend the permit and license of any person holding same in the City, upon receiving satisfactory evidence that the licensee or permittee has: (1265-12/66, 3213-11/93, 3449-2/00)

- (a) received four administrative citations which have been upheld at an administrative hearing, or been convicted of, or has entered a plea of guilty to four violations of the provisions of this chapter, or of any other law or ordinance of the City or state relating to such business; or (1265-12/66, 3213-11/93, 3449-2/00, 3862-2/10)
- (b) permitted entertainment that is detrimental to the public welfare or that permittee, or his employees, are engaged in conduct or behavior which creates unreasonable noise or constitutes a nuisance, including but not limited to complaints registered with any City Department, the State Alcoholic Beverage Control Board or the County Health Department; or (1265-12/66, 3213-11/93, 3449-2/00)
- (c) The application is discovered to contain incorrect, false, or misleading information; or (1265-12/66, 3213-11/93, 3449-2/00)
- (d) The permit holder has had a entertainment permit or other similar permit or license denied or revoked for cause by this city or any other jurisdiction located in or out of this state prior to the date of application. (1265-12/66, 3213-11/93, 3449-2/00, 3862-2/10)

5.44.095 Suspension/Revocation of Permit--Notice to Applicant of Action Taken. Upon determining that grounds for permit revocation or suspension exists, the Chief of Police shall furnish written notice of the revocation to the permit holder. Such notice shall summarize the principal reasons for the revocation. If the notice is mailed, it shall be deposited in the United States Mail, first class postage prepaid, to the address shown on the application. Service shall be deemed complete upon personal service or mailed in the United States Mail. The notice shall also advise the applicant of his right to appeal the revocation or suspension of the permit.

(3449-2/00)

5.44.100 Revocation of permit - Reapplication. Whenever a permit or license is revoked under the terms of this chapter, no other application for a permit under this chapter shall be considered for a period of one year from date of such revocation. (1265-12/66)

5.44.110 Separate Violations. Each condition listed on the Entertainment Permit or ABC license which is violated, shall constitute a separate violation of this sub-section, and may be charged as separate counts. (3862-2/10)

5.44.120 Additional Permit Violations. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License, or any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. Violations of any law or conditions of the Conditional Use Permit will be considered a violation of this permit under § 5.44.015(c) of the Huntington Beach Municipal Code. (3862-2/10)

EXHIBIT B

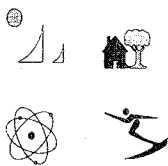
EATING AND DRINKING ESTABLISHMENTS WITH
ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT:

The following standard Conditions of Approval shall be part of any Conditional Use Permit from the Zoning Administrator or Planning Commission and the Entertainment Permit from the Police Department for the establishment of any eating and drinking establishment located within the Downtown Specific Plan area with alcohol beverage sales and entertainment, District 1:

- 1) Hours of operation shall be limited to between 7:00 a.m. to 12:00 a.m. midnight except for a business proposed in the following locations:
 - a. West side of 5th Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. to 10:00 p.m.
 - b. East side of 3rd Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.
- 2) A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas.
- 3) The seating capacity at all times within the dining area, excluding outdoor dining areas, shall be able to accommodate a minimum of 100 people.
- 4) Full food service menu items shall be served, a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times.
- 5) Alcoholic drinks shall not be included in the price of admission to any establishment.
- 6) There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- 7) All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
- 8) An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
- 9) If dancing is allowed, the activity must be specifically identified as part of the Entertainment Permit and only in a pre-approved designated area.
- 10) Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
- 11) No outside promoters can be used under any circumstances.
- 12) All exterior doors and windows shall be closed at all times during live entertainment.

- 13) All amplified entertainment conducted by a performer shall be confined indoors at all times.
- 14) If outdoor entertainment is allowed, it shall be limited to:
 - a) Non-amplified entertainment with no more than two performers.
 - b) Amplified entertainment limited to ambient music only.
- 15) Any outdoor entertainment shall not be audible beyond 50 feet of the source of the entertainment.
- 16) No entertainment shall be audible beyond 50 feet of the business in any direction.
- 17) All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
- 18) All provisions of the entertainment permit required by section 5.44 of the Huntington Beach Municipal Code shall continue to apply.

REST OF PAGE NOT USED



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

October 15, 2010

Building Division

714.536.5241

Susan Hamil
19285 Brooktrail Lane
Huntington Beach, CA 92648

SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 10-012 / CONDITIONAL USE PERMIT NO. 10-024 (LUGGATTI'S RESTAURANT WITH ALCOHOL AND ENTERTAINMENT)

Dear Ms. Hamil,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation should the Planning Commission approve your project.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission if the project is approved. Please note that if the design of your project or site conditions change, the list may also change.

The Director of Planning and Building has interpreted the relevant Sections of the Zoning and Subdivision Ordinance to require that your project satisfy the following development standards. If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 or at ethan.edwards@surfcity-hb.org and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards
Associate Planner

Enclosure

xc: Jason Kwak, Building and Safety Department – 714-536-5278
Darin Maresh, Fire Department – 714-536-5531
Steve Bogart, Public Works – 714-536-1692
Herb Fauland, Planning Manager
Jason Kelley, Planning Department
John Gallagher, 388 E. Ocean Blvd., Long Beach, CA 90802
Project File



**CITY OF HUNTINGTON BEACH
DEPARTMENT OF BUILDING & SAFETY
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: SEPTEMBER 17, 2010
PROJECT NAME: LUGGATTI'S RESTAURANT
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-165
DATE OF PLANS: AUGUST 19, 2010
PROJECT LOCATION: 210 5TH STREET, HUNTINGTON BEACH
PLAN REVIEWER: Jason Kwak, Plan Check Engineer
TELEPHONE/E-MAIL: (714) 536-5278 / jkwak@surfcity-hb.org
PROJECT DESCRIPTION: To permit a restaurant with alcohol, live entertainment, outdoor dining.

The following is a list of code requirements deemed applicable to the proposed project based on plans received as stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2007 California Building Code (CBC), 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2007 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
2. Provide plans wet stamped and signed by California licensed architect. Architect shall provide building code analysis including and not limited to occupancy load analysis, occupancy separation and exiting analysis.
3. Provide compliance to disabled accessible requirements of Ch. 11B of the building code.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: SEPTEMBER 17, 2010
PROJECT NAME: LUGATTI'S RESTAURANT
ENTITLEMENTS: CUP NO. 2010-024 / CDP NO. 2010-012
PLNG APPLICATION NO: 2010-0165
DATE OF PLANS: AUGUST 19, 2010
PROJECT LOCATION: 210 5TH STREET, HUNTINGTON BEACH (APN: 024-147-05)
PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: 714-536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG
PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER *SB*
TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO ESTABLISH A RESTAURANT WITH ALCOHOL, LIVE ENTERTAINMENT AND OUTDOOR DINING.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:

1. No private encroachments into the public alley. (GP CE 2.3.1,DTSP)
2. The existing sewer lateral may potentially be utilized if it is of adequate size, conforms to current Public Works Standards and is determined to be in serviceable condition by submitting a video of the lateral. If the sewer is determined to be inadequate, a new sewer lateral shall be installed, connecting to the main in the alley, per Public Works Standards. (ZSO 230.84)
3. The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and is in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service, any non-conforming water service and meter, shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate domestic water service and meter may

be installed per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). (ZSO 230.84)

4. A separate backflow protection device shall be installed per Water Division Standards for domestic water service. (Resolution 5921 and Title 17)
5. All new utilities shall be undergrounded. (MC 17.64)
6. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.huntingtonbeachca.gov/files/users/public_works/FeeScheduleFY09-10Effective8.16.09SD-SW7.1.10.pdf (ZSO 240.06/ZSO 250.16)



HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: SEPTEMBER 6, 2010
PROJECT NAME: NEW LUGGATTIS
ENTITLEMENTS: PLANNING APPLICATION NO. 10-165
PROJECT LOCATION: 210 5TH STREET, HUNTINGTON BEACH, CA
PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 536-5561/ Ethan.Edwards@surfcity-hb.org
PLAN REVIEWER-FIRE: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST
TELEPHONE/E-MAIL: (714) 536-5531/ dmaresh@surfcity-hb.org
PROJECT DESCRIPTION: TO ESTABLISH A RESTAURANT WITH ALCOHOL, LIVE ENTERTAINMENT, AND OUTDOOR DINING.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated August 31, 2010. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

Fire Suppression Systems

Fire Alarms

Modification, additions, or deletions to an existing fire alarm system shall require that separate plans (three sets) shall be submitted to the Fire Department for permits and approval. Any extended interruption of the fire alarm system operation will require a "fire watch", approved by the Fire Department.(FD)

Fire Sprinklers

Modification, additions, or deletions to an existing automatic fire sprinkler system or fire sprinkler system shall require that separate plans (three sets) shall be submitted to the Fire Department for permits and approval. Any extended interruption of the fire sprinkler system operation will require a "fire watch", approved by the Fire Department. Reference compliance with City Specification # 420 - Automatic Fire Sprinkler Systems and NFPA 13 in the plan notes. (FD)

Fire Protection Systems

Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)

Commercial Food Preparation Fire Protection System required for commercial cooking. Plans (three sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection Of Commercial Cooking Operations* in the plan notes. (FD)

Fire Personnel Access

Main Secured Building Entries shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. (FD)

Building Construction

Exit Signs And Exit Path Markings will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. (FD)

Posting Of Room Occupancy is required. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place near the main exit per HBFC sec. 1004.3 (FD)

Egress Illumination/Emergency Exit Lighting with emergency back-up power is required. Provide means of egress illumination per HBFC 604.2.4 and UBC 1003.2.9. (FD)

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. (FD)
- b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. (FD)

Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

City Hall 2000 Main Street, 5th floor

or through the City's website at www.surfcity-hb.org

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

PLANNING DEPARTMENT DEVELOPMENT REVIEW REQUEST

TO: Steve Bogart, Public Works
Gerald Caraig, Building
Chief Ken Small, Police

Darin Maresh, Fire
Kellee Fritzall, Economic Development
David Dominguez, Community Services

FROM: Ethan Edwards Ext: 5561

DATE: AUGUST 31, 2010

☒ PC ☐ ZA ☐ DRB ☐ STAFF

PETITION(S): Planning Application No. 10-165: Coastal Development Permit No. 10-012,
Conditional Use Permit No. 10-024

REQUEST(S): To establish a restaurant with alcohol, live entertainment, and outdoor dining.

LOCATION: 210 5th Street, Huntington Beach (APN: 024-157-05)

ZONE: Downtown Specific Plan (SP5 (district 5)-CZ)

GENERAL PLAN: Mixed Use Vertical (MV-F6-sp-pd)

EXISTING USE: Vacant (discontinued restaurant use)

Please submit your concerns and recommended changes or conditions in writing on or before **September 17, 2010.**

COMMENTS: (Use attachments or back side of sheet if necessary)

RESPONSE BY: DAVID DOMINGUEZ Extension 5309
Attachments: 1. Plans 2. Narrative

Community Services has no comments or recommendations for the proposed project.



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: SEPTEMBER 17, 2010

PROJECT NAME: LUGATTI'S RESTAURANT

PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 10-165

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 10-024; COASTAL DEVELOPMENT PERMIT NO. 10-012

DATE OF PLANS: 8-12-2010

PROJECT LOCATION: 210 5TH STREET, HUNTINGTON BEACH

PROJECT PLANNER: ETHAN EDWARDS

PLAN REVIEWER: SIMONE SLIFMAN

TELEPHONE/E-MAIL: (714) 536-5186 / simone.slifman@surfcity-hb.org

PROJECT DESCRIPTION: TO ESTABLISH A RESTAURANT WITH ALCOHOL, LIVE ENTERTAINMENT AND OUTDOOR DINING

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

The Economic Development Department has reviewed the proposed project and is supportive of the proposed use.



HUNTINGTON BEACH PLANNING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: October 15, 2010
PROJECT NAME: LUGATTI'S RESTAURANT
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-165
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2010-024 / COASTAL DEVELOPMENT PERMIT NO. 2010-012
DATE OF PLANS: AUGUST 19, 2010
PROJECT LOCATION: 210 5TH STREET, HUNTINGTON BEACH (APN: 024-147-05)
PLAN REVIEWER: ETHAN EDWARDS
TELEPHONE/E-MAIL: 714.536.5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG
PROJECT DESCRIPTION: To establish a restaurant with alcohol, live entertainment, and outdoor dining.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

CONDITIONAL USE PERMIT NO. 2010-024 / COASTAL DEVELOPMENT PERMIT NO. 2010-012

1. The floor plans approved by the Planning Commission shall be the conceptually approved design.
2. Prior to submittal for building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Safety, Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. Prior to issuance of building permits, an "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
4. During construction, all Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with

construction, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.

5. The final building permit(s) cannot be approved, until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - d. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
6. The use shall comply with the following:
 - a. All work shall be conducted wholly within the building except as otherwise approved.
 - b. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - c. Prior to commencing live entertainment activities, a copy of an approved Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning Department. All conditions of the Entertainment Permit shall be observed.
 - d. Only the uses described in the project narrative shall be permitted.
7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
8. This approval shall not become effective until the ten calendar day appeal period following the approval of the entitlements has elapsed.
9. This approval shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
10. The Planning Commission reserves the right to revoke CDP 10-012/CUP10-024 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
11. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
12. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements.

13. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.